

MAY 22 2008

FILED

CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SO ORDERED

Neal P. McCurn

**NEAL P. McCURN
U.S. DISTRICT JUDGE**

Dated: 5/22/08
Syracuse, New York

JOSEPH VISCOMI and
FIRST DESTINY REAL ESTATE, INC.,

Plaintiffs,

-vs.-

EXCELSIOR INSURANCE COMPANY and
PEERLESS INSURANCE COMPANY,

Defendants.

**PARTIAL STIPULATION
OF DISCONTINUANCE**

Civ. Action No.:
08-CV-327, NPM/GJD

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued on the merits and with prejudice as against defendant PEERLESS INSURANCE COMPANY only, without costs to either party as against the other. The action against defendant EXCELSIOR INSURANCE COMPANY will proceed. This stipulation may be filed without further notice with the Clerk of the Court.

DATED: April 11, 2008
Buffalo, New York

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